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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258

39262 7590 10/20/2005

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/471,315	ZELLNER ET AL.	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11, 12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-16 and 27-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10, 27-33 and 35-40 are rejected under 35 U.S.C. § 103(a) as being anticipated by Morganstein et al, U.S. Patent No. 6,445,775 (hereinafter Morganstein) in view of Peterson et al, U.S. Patent No. 6,385,303 (hereinafter Peterson).

Regarding claim 1, Morganstein discloses a method of screening a caller prior to establishing a telephone connection between the caller and a callee, the method comprising:

receiving an indication from the callee of one or more callers that are authorized to be directly connected to the callee upon calling the callee, wherein the indication includes an instruction to collect voice samples of the authorized callers (col. 21, lines 30-35);

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receiving a telephone call from a caller (400);

prompting the caller to speak an utterance (406);

receiving the utterance when spoken by the caller, wherein the callee is a person and wherein the telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee (408);

identifying the caller by analyzing the voice of the caller received when the caller speaks the utterance without asking the caller to self identify, wherein the identifying comprises the steps of:

generating a first voice sample of the caller's voice when the caller speaks the name of the callee (412);

comparing the first voice sample to a second voice sample (416); and

routing the telephone call to the telephone terminal for the callee if the identified caller is authorized to be directly connected to the callee (see abstract).

Nowhere does Morganstein teach the utterance is the name of the callee. However Peterson discloses this feature (see column 10, lines 10-15). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morganstein with the prompt of Peterson. This

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modification would have improved the flexibility of Morganstein by utilizing any sound, word or phrase as suggested by Morganstein (column 20, lines 35-45).

On the issue of claim 2, see column 21, lines 30-35 of Morganstein.

On the issue of claim 3, see Figure 7 of Morganstein.

On the issue of claim 4, see unit 87 of Morganstein.

As per claim 5, Morganstein shows prompting the caller to speak the utterance using a synthesized voice (see 406). Nowhere does Morganstein teach the utterance is the name of the callee. However Peterson discloses this feature (see column 10, lines 10-15). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morganstein with the prompt of Peterson. This modification would have improved the flexibility of Morganstein by utilizing any sound, word or phrase as suggested by Morganstein (column 20, lines 35-45).

Regarding claim 6, see 408 of Morganstein.

Regarding claim 7, see unit 42 of Morganstein.

Regarding claim 8, see Figure 6 of Morganstein.

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Regarding claim 10, see unit 87 of Morganstein.

Regarding claim 27, see column 10, lines 10-25 of Peterson.

Claim 28 is rejected for the same reasons as claim 1.

Claim 29 is rejected for the same reasons as claim 2.

Claim 30 is rejected for the same reasons as claim 3.

Claim 31 is rejected for the same reasons as claim 4.

Claim 32 is rejected for the same reasons as claim 7.

Claim 33 is rejected for the same reasons as claim 10.

Claim 35 is rejected for the same reasons as claim 1.

Claim 36 is rejected for the same reasons as claim 2.

Claim 37 is rejected for the same reasons as claim 3.

Claim 38 is rejected for the same reasons as claim 4.

Claim 39 is rejected for the same reasons as claim 7.

Claim 40 is rejected for the same reasons as claim 10.

3. Claims 13-16, 34 and 41 are rejected under 35 U.S.C § 103(a) as being unpatentable over the combination of Morganstein and Peterson in view of O'Brien, U.S. Patent No. 5,479,489 (hereinafter O'Brien).

Regarding claim 13, the combination of Morganstein and Peterson does not disclose creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contains identification information for a

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different one of a plurality of callees. However O'Brien discloses this limitation (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Morganstein and O'Brien with the database taught by O'Brien. This modification would have improved the system's efficiency by saving disk space.

Regarding claims 14 and 15, see col. 2, lines 43-47 and lines 54-55 of O'Brien.

Regarding claim 16, see col. 3, lines 10-14 of O'Brien.

Claim 34 is rejected for the same reasons as claim 13.

Claim 41 is rejected for the same reasons as claim 13.

Response to Arguments

4. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Citation of Pertinent Art

5. Pepper et al, U.S. Patent No. 5,930,700 (hereinafter Pepper) is considered pertinent to applicant's disclosure.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
October 12, 2005

**OVIDIO ESCALANTE
PATENT EXAMINER**

Ovidio Escalante